

Honorable Mayor has "vetted" several resolutions of the Council approving awards of contracts recently made by committees of the Council, presumably because in the adoption of said resolutions section 18 of the charter of the city of Richmond was not complied with, I deem it proper that I should give, with somewhat more than usual elaboration, my reasons for the holding stated above.

It is provided by said section of the charter that on all ordinances or resolutions appropriating money exceeding \$100 a vote of two-thirds of all the members elected to each branch shall be necessary, and the year and name shall be entered on the journal of each branch respectively, from which it follows that previous to every expenditure of the city's money, in excess of \$100, a committee, board or officer of the city government, there must be found some resolution or ordinance, adopted in the mode prescribed by section 18 of the charter, either expressly making an appropriation of money to be used for the work to be done or materials to be furnished, or expressly authorizing the making of a contract for the doing of the work or the furnishing of materials.

**Electric Bond Issue.**

Looking beyond the resolution of the Council, approving the contract for the General Electric Company, from which the Honorable Mayor has withheld his approval, I find that the Council, by section 4 of an ordinance approved June 24, 1907, had not only expressly appropriated the necessary money to construct and equip an electric plant, but had required the opening of certain accounts on the books of the Auditor and the placing of said appropriation to the credit of said accounts, and had expressly authorized warrants to be drawn thereon by the Committee on Electricity and the Committee on Water. That section is in the following language:

"4. That of the proceeds of the sale of the issue of bonds authorized by the foregoing section, two hundred and fifty thousand dollars (\$250,000) shall be placed to the credit of an account to be raised and to be called electric plant construction and equipment, and shall be applied to the construction and equipment of the electric plant hereinafter authorized, and of said amount one hundred thousand dollars (\$100,000) shall be placed to the credit of an account to be raised and to be called electric plant construction and equipment, and shall be applied to the construction of the new pump-house. Said account to be known as electric plant construction and equipment shall be drawn on only by the Committee on Electricity in regular session, after the approval of the Superintendent of Construction of electric light and power plant, upon warrants signed by the chairman of the account, to be known as electric plant construction and equipment, shall be drawn on only by the Committee on Electricity in regular session, after the approval of the Superintendent of Construction of electric light and power plant, upon warrants signed by the chairman of the account."

**Adopted by Two-thirds Vote.**

The records of the Council show that this ordinance was adopted in the Common Council by a vote of yes, 24; noes, 5, and in the Board of Aldermen by a vote of yes, 18; noes, 1. The two-thirds of all of the members elected to each branch, and that the year and name were entered on the journal of each branch.

From which it follows, that section 18 of the charter had been complied with, and that the award of the necessary contracts to carry out the requirements of said ordinance were matters of detail, ordinarily and necessarily referable to some committee, board or officer of the city government for execution, subject only to a special requirement which the Council thought wise to make by section 3 of an ordinance approved April 23, 1907, entitled, "An ordinance to provide for the establishment and equipment of the electric light and power plant at the old pump-house to generate electricity for power and light, and the extension of pumping power and facilities at the old pump-house, that section being in the following language:

"3. And in order to establish, construct, equip and maintain such plant the Committee on Electricity are hereby authorized and empowered to receive bids for the necessary work and for the purchase of the necessary equipment, but no contract for such work or equipment shall be made or become binding in any extent whatsoever until the same shall have been reported to and expressly authorized by the Council of the city of Richmond, and to the general requirement that all contracts in excess of \$5,000, by the ordinance of July 9, 1904, should be approved by the Council of the city of Richmond in the following language:

"Be it ordained by the Council of the city of Richmond:

"That from and after the date of the approval of the ordinance by the Mayor, no contract awarded by any committee of the City Council involving an amount exceeding the sum of \$5,000, shall be binding on the city of Richmond until it has been approved by the City Council.

**Requires But One Recorded Vote.**

It seems to me that it cannot be reasonably contended that either of these ordinances were intended to impose, or did impose any requirement as to the vote by which the Council should "authorize" or "approve" the contract, and, inasmuch as the Council, as I have shown, had complied with the two-thirds vote already made this appropriation to pay for the construction and equipment of the plant. It was not necessary for another two-thirds vote to accomplish the purpose of section 18 of the charter, and, therefore, not two such votes to make valid an appropriation.

But even if I were inclined to a contrary opinion, which I am not, I would feel constrained to say that, as shown above, by reason of the long and uniform construction placed upon section 18 by every department of the city government for nearly half a century.

**Budget a Precedent.**

It has been the uniform practice for many years for the Council to adopt annually a budget, called the "budget," in the mode prescribed by section 18, appropriating the necessary money to pay the expenses of the city.

## TRUNK TROUBLES UNKNOWN HERE

Every one who has ever been untraveled and had a cheap trunk, grip or traveling bag can appreciate the troubles of another who is confronted with a bulky load at a critical time or who finds on arrival at the home where he or she is to be a guest that their baggage is now dilapidated, traveling stumps and bags are practically out of the business.

This reason why the big trunk department of O. H. Berry and Company, Eleventh and Main Streets, is always so well patronized is because of the fact that they are now dilapidated, traveling stumps and bags are practically out of the business.

For you find trunks selling for from \$2.50 up, but the cheapest here is better than the medium priced elsewhere, because an expert trunk buyer has charge of this department, and he likes the work. Every one in Berry's, from the cellar to the garret, likes his or her work, and they like to serve you.

government, and appropriating and placing to the credit of each committee a certain sum which the Council deemed necessary and proper to be expended in the department over which the committee had control, placing upon the committees substantially the following limitation, found in the budget ordinance:

"Provided, that the foregoing appropriations to military organizations for maintenance shall be paid in quarterly installments.

"It is further provided that no department of the city shall expend, during the first half of the calendar year, a sum exceeding one-half of the amount appropriated for the calendar year; but this proviso shall not apply to the amounts appropriated to the poor of the city, City Home expenses, Shockoe Creek, streets generally, repairs to bridges, paving sidewalks, paving streets for owners, and sewers."

That the amounts herein shall be deemed to be the limit of amounts to be expended by any committee or head of department, respectively, except by transfer authorized by the Council, and that for any debt created by any committee or head of department, in excess of the appropriation, the city of Richmond shall be held in no wise responsible.

It is further provided that no construction that a contemporaneous construction by the officers upon whom is imposed the duty of executing statutes is entitled to great weight, and unless such construction is clearly wrong it will not be considered by the Council. Y. Hill, 120 E. S. 163, 183, and Henrico County. City of Richmond, 106 Va. 252, 295.

**Anderson Reversed Himself.**

It is said that the able Assistant City Attorney, in the recent absence of the City Attorney from the city, has rendered an opinion in conflict with the foregoing, it will be sufficient to reply that on the next day (May 18) without conference or consultation with the City Attorney, the City Attorney has verbally informed the Mayor that upon further examination and consideration he had reached the conclusion that the passage of the resolution was not controlled by section 18 of the charter, and on the next day (May 19) he filed in the Mayor's office a written opinion reversing his former holding, and giving substantially, though much more briefly, the same reasons as those hereinbefore set forth by me. No need is to say, I think, with any show of reason, that the views now expressed conflict with an opinion given by me on May 20, 1907, for there the ordinance which I held should have a two-thirds vote, and now, after a year and a half, he says that there had been a previous ordinance passed in the mode prescribed by said section 18, appropriating the money to meet the obligation arising under the contract.

For the sake of learning as a lawyer of the Honorable Mayor, I have the greatest respect, and therefore I reluctantly, though confidently, dissent from what you indicate are his views on the question you submit.

**As a Republican Rights.**

Coming now to your request to inform you relative to certain legal proceedings pending against the city, having for their object the control of the water rights of the city at the old pump-house, I have to say that no such proceedings are pending, nor, as far as I know, contemplated.

If the supposed embarrassment, so much talked of in the press, arises from the suit recently instituted in the Law and Equity Court by the Old Dominion Iron and Railway Company against the Chesapeake and Ohio Railway Company and the city of Richmond, then I have to say that the bill of complaint in that case makes no claim against the city on account of its water rights at the old pump-house, but merely asks relief against the water rights at Boshers' Dam and the New Pump-House. This view is, as I am pleased to know, taken by H. W. Anderson, one of the leading counsel for the Old Dominion Iron and Railway Company, as said suit, from a communication published a few days ago in one of the evening papers.

**Should Utilize Waste Power.**

So long as the pendency of this suit being a reason to retard action in the construction and equipment of the city's electric plant, it makes it more important that such construction and equipment should be hastened to, and that the city in the attitude of taking it all the while, it is entitled to under its contract with the Chesapeake and Ohio Railway Company at the New Pump-House, much of which, with the present pumping facilities at that point, is not being utilized.

If reference be had to the suit recently decided in the Law and Equity Court in favor of Barnes and Jones, in which they claim title to a small island in the river just above the old Pump-House, and in which I confidently expect that the city will finally win in the litigation, but even if it should not, I am of opinion that the ownership of the island by the parties claiming same, cannot deprive the city of its water rights at the old Pump-House, which have been used for nearly a century under valid deeds of record and under legislative grants.

**H. R. POLLARD,**  
City Attorney.

## Noted Singers to Be Heard in Festival Here



FREDERICO MARTIN,  
Baritone.

JOSEPH SCHNECKER,  
Harpist.

## FINAL REHEARSALS TO BEGIN TO-NIGHT

Four Hundred Singers to Take Part in Mid-Summer Music Festival.

The final rehearsals of the Wednesday Club chorus for the midsummer music festival will be held in the Y. M. C. A. auditorium to-night, to-morrow night and Wednesday night at 8:15 o'clock sharp, and to-morrow afternoon at 4:30.

Membership tickets will be issued to members of the chorus to-night, and all who intend singing in the festival must be present to-night, in order to have their names enrolled.

Mr. Morgan will arrive in the city at noon to-day, and will conduct the rehearsals for "The Rose Maiden," which is to be given on Monday night, May 31, and for Gounod's "Gallia," which is to be seen Wednesday night, June 2, with the famous Dutch soprano, Mme. Jonelli, as soloist. Nearly four hundred singers attended the rehearsal last week.

Nine splendid concerts are to be given, and Richmond music-lovers will have the privilege of hearing some of the world's greatest artists and one of the best orchestras ever brought to this city. But in arranging the programs, which are intended to afford genuine pleasure to the audience rather than to "show off" the technique of the various celebrities, Mr. Morgan will present a musical "montage" that has certainly never been duplicated in this city.

From the opening night of the festival, when a splendid chorus of more than 300 of Richmond's best singers, the largest chorus ever heard in a festival here, presents Gounod's melodious cantata, "The Rose Maiden," on to the very last notes of the beautiful sextet from "Lulu" in the final concert, there will not be a single selection that will not be of the highest genuine pleasure even by those who profess to have "no ear for music."

**A Splendid Orchestra.**

There are four great instrumental soloists with the Pittsburgh Festival Orchestra to be heard here in the Midsummer Music Festival—Franz Kohlar, violinist; Fritz Goerner, cellist; Otto Kegel, trumpeter, and Joseph Schnecker, harpist.

All of them are now members of the Pittsburgh Symphony Orchestra, under Dr. Emil Paur, the famous conductor, and each has toured with the principal orchestras of Europe as well as America.

The conductor of the Pittsburgh Festival Orchestra, Carl Bernthal, is the youngest, as well as one of the most able orchestra conductors of this country.

Throughout the present festival tour of the South, under Mr. Radcliffe's management, the splendid orchestra has been playing daily to great breaking audiences, and has been received everywhere with the greatest enthusiasm.

## LOW BROWS HALTED

But Officers Let Them Go Instead of Locking Them Up.

"Where you go?" asked an officer last night of two low-browed men who walked up to him and asked the direction of the nearest mission house. "Nowhere in particular," said one of the men, "just hunting for a bite to eat and a mouthful of drink." "I reckon 'd better take you in," said the arm of the law, for you look to me like two hoboes.

"Hoboes," they repeated scornfully. "Hoboes, you say. Look here, Mr. Officer. Not hoboes, but broken-down sportsmen, that's what we are, and they snuffed in righteous indignation.

"Well, if that's what you are, I reckon I'll have to let you go," and the policeman directed them on the way. Timely wit had saved them from an iron bed and water bugs.

## FREE BEER FAILS

Bank President Says His Beneficiaries Are "Spineless Slaves."

GLASGOW, MO., May 23.—To spite the prohibitionists, who carried the county "dry," John Morrison Fuller, millionaire bank president, opened a personal liberty hall, and for some time served free beer to all who came and as much of it as they could drink at any time, except on Sundays.

Mr. Fuller has closed his personal liberty hall in disgust. "I must admit my experiment was somewhat of a failure," he said. "I failed I could educate the people to a spirit of resentment against the law that was depriving them of their liberty to eat and drink what they chose, but I found that they did not care. They are spineless slaves."

## FIRES CELL TO GET WARM

Prisoner With Cold Feet Comes Near Roasting Alive.

WILKESBARRE, PA., May 23.—Louis Correll, of West Hazleton, a temporary occupant in the borough lock-up at that place, came near roasting himself alive in his cell.

He was locked up for drunkenness, and on arising was cold; so he took his pocket-knife and whittled a heap of shavings from his cot and set them on fire.

The blaze set fire to the floor of the cell and building, and but for the timely arrival of one of the borough police the entire structure would have been destroyed, and Correll would have perished. He was considerably scorched about the legs.



MME. JONELLI,  
Famous Dutch Soprano.

## NOTORIOUS CROOK MAKES HIS ESCAPE

Calmly Walks Out When Released Order Comes for Other Prisoners.

CHARLOTTE, N. C., May 23.—John V. Davidson, arrested during the May 20 celebration here for picking pockets, and who was identified by a United States secret service man as a notorious crook, escaped from the county jail this evening.

By posing as one of a coterie of gamblers for whom a release order was presented to the sheriff, Davidson walked out with the liberated men. The man presenting the released order was a stranger, and is presumed to have been a confederate. When arrested, Davidson had secreted on his person several watches and diamond rings and a large sum of money.

## SEE A MIRACLE ON BEACH

Sand Figure of Crucifixion Withstands Force Storm.

ATLANTIC CITY, May 23.—A figure of the Crucifixion, modeled in sand, which withstood the force of the gale and flood which swept the beach, severely damaging the Steel Pier and other property, was created by a Japanese among the superstitious, who risked the storm to witness what many declare to be a miracle.

Although the water rose until it nearly hid the figure from view, the sand image apparently was unharmed when the waters receded, and devout visitors insist that a more than human agency intervened to prevent the destruction of the religious emblem.

The figure was modeled by an ambitious young sand artist on the beach below Pennsylvania Avenue several days ago, and is a wonderful example of the emblem known to the entire Christian world. When the tide lashed the beach last night it winded out practically every one of the modeled figures, leaving only the Crucifixion and a bust of Abraham Lincoln. The bust was partly demolished, but the figure still stands out in bold relief.

## CAUGHT AFTER SIX YEARS

Clerk, Charged With Big Defalcation, Said He Never Left Brooklyn.

NEW YORK, May 23.—Frederick Rowbotham, formerly confidential clerk in the office of Sternberg, Sinn & Co., brokers, who disappeared six years ago after charges of forging the firm's name to checks aggregating large amounts had been made against him, was held without bail yesterday by Magistrate Tighe in the Adams Street court, Brooklyn.

Although the police have been looking for him six years, the prisoner said yesterday that he had never left Brooklyn. The police say, however, that he had been abroad. It is charged that Rowbotham operated with checks and forged notes, but that he had fled to Europe before leaving New York.

## AGED 99, ENDS HIS LIFE

Declares There Is Nothing Left for Him to Live.

DEARBORN, MICH., May 23.—"Uncle Billy" Gray, ninety-nine years old, and the patriarch of this section, decided yesterday that he was tired of life, and with not a living relative, says that he does not know what will become of his body, although he is in comfortable financial circumstances.

After mixing the poison in a tin dipper at his well and drinking it, the aged man calmly lay down to die. His eighty-year-old wife discovered him on the floor, and he was found dead. The police say that he was a well-to-do man, and that he had been a member of the local church.

## CONGRESS' TIME FRITTERED AWAY

Cuban Legislators Do Nothing and Country Faces Grave Crisis.

HAVANA, May 18.—Financial problems continue the gravest feature of anxiety on the part of the Cuban government, and with the protracted delay in the presentation of the budget for the coming year the general feeling of uncertainty and lack of confidence becomes accentuated. Can the government in view of its enormously increased expenses, meet its obligations out of the ordinary sources of revenue? Is the question asked on all sides.

While there is no doubt that President Gomez is fully alive to the serious situation, and is doing everything in his power to effect reductions in the cost of all departments, it is feared that political exigencies will compel him to refrain from insisting upon retrenchment on the scale that is believed to be absolutely necessary.

Impositions through the custom house have declined materially over those of last year and the year before.

Congress, after being in session for more than three months, has accomplished little useful legislation, its time being frittered away in flights of oratory and the discussion of trivial measures.

The lottery bill just passed by the House is probably one of the most important acts of the Congress, and while it will doubtless become a law, the bill, so far, has only been passed "in totality."

## FELT LIKE LICKING DENTIST

But the Licker Was a Bigger Man and Had a Handy Strap.

CHESTER, PA., May 23.—Hugh Whittle, of Crum, Pa., went to Philadelphia yesterday to get his teeth extracted and be ready to procure a set of false ones, but refused to allow the dentist to administer gas. He bore the pain for the first extraction stoically, but when the second molar came out he jumped from the chair and struck the dentist.

It happened, however, that the knight of the steel forceps was a big man, and he took hold of Whittle and pushed him back into the chair, then secured straps and fastened Whittle's head in such a way that he was unable to move. Then he proceeded with the operation and pulled out every tooth.

## NOISY WELCOME

Salute of Twenty-one Guns Is Fired for Japanese Admiral.

PORT TOWNSEND, WASH., May 23.—A salute of twenty-one guns from Port Townsend, headquarters of the Puget Sound artillery district, boomed a noisy welcome to Admiral Ichih's Japanese training squadron, composed of the cruisers Aso and Soya. The Japanese returned the salute and steamed to anchor in the upper waters of the bay. Mayor Gerson went aboard and extended an official welcome to the admiral. Both vessels are scheduled to depart early to-morrow for Tacoma.

## NEDERLAND IN DISTRESS

Four Seamen and Boy Washed Overboard Off Cape Horn.

VALPARAISO, CHILE, May 23.—The American ship Nederland, which sailed from Melbourne, Australia, for Valparaiso, on March 23, has arrived at Coquimbo in distress. Captain Sharpe, four seamen and a boy were washed overboard off Cape Horn.

## ANNUAL OUTBREAK

Socialists Celebrate and Clash With the Police.

PARIS, May 23.—The revolutionary Socialists' annual demonstration to-day before the monument erected in the Pere Lachaise to the communists, in which many dismissed postal employees took part, was marked by violent outbreaks with the police. A large number on both sides were injured, and about twenty arrests were made.

## REPLIES TO CRITICISM.

First Lord of Admiralty Speaks in Reply to Half of Government.

LONDON, Saturday May 22.—Reginald McKenny, first lord of the admiralty, in replying to criticisms on the naval policy of the government, has said that the battleships to be built under this year's program would be at least 30 per cent. superior to their immediate predecessors. In what way that superiority is to be obtained has not been entirely disclosed, but at least two of the improvements to be introduced are known.

In the first place the ten and twelve-inch guns, with which the ships are to be equipped, are to have a greater muzzle energy than those now in use. In addition to this increased power, all the twelve-inch guns of these new ships may be fired on either side.

## WIDOW MURDERED

Shot Down by Lawyer, Believed to Have Been Jealous.

ELMA, O., May 23.—Mrs. Maude Dilz, a young widow, who recently came from Wayneville, was shot and killed at her home to-night by John Beam, lawyer and real estate dealer, from whom she rented the property. When she rented the property, she was a widow.

## To-Morrow Night

When the "town clock" starts striking six the great contest closes.

Will you be one of those who will say, "I wish I had tried for the piano"? It costs nothing to enter the contest—except a few moments' time.

## "What Is Love?"

\$7.50 will be given in prizes, first prize being a \$500 Upright Piano, for the best definition of love. No answer over twenty-five words considered. Write your name on a separate slip. Do it now!

Address Advertising Department,

## Crafts

214-216 North Fifth Street

## PERSONAL ATTACK UPON HARTRIDGE

Harry Thaw Issues Bitter Statement About His Former Attorney.

FOUGHKEEPSIE, N. Y., May 23.—Harry K. Thaw and his mother, Mary Copley Thaw, both issued statements to-night attacking the affidavit made yesterday by Clifford W. Hartridge, formerly counsel for Thaw, in which the lawyer said that he had spent approximately \$40,000 "hush money" to conciliate persons who would otherwise have injured his client. Mr. Hartridge is suing for counsel fees.

Harry Thaw is in Matteawan Asylum, and his mother has been almost constantly in touch with him. Her statement says in part:

"While sorry for the state of mind that inspired it, I read the extraordinary affidavit and statement of Mr. Hartridge with no small satisfaction. They show the groundlessness of his claim. I never asked him to 'hush anything.'"

"It is news to me that I asked him to keep my son out of Matteawan. That question was not raised from the time I met Mr. Hartridge until Mr. Delmas was in charge and the trial had over, at Mr. Hartridge's instigation."

Thaw's statement is similar, but in addition it bristles with personal attacks upon Hartridge. The statement says:

"The affidavit published by C. W. Hartridge is composed of falsehoods from beginning to end. Were there any truth in it I should have him hanged, but there is no truth in it. He never spent \$40,000, nor \$10,000, nor \$100 in 'hush money' as he pretends. 'Any newspaper man in New York can tell you that Hartridge's pretense of having suppressed anything is humbug. A person like Hartridge could not close one column of the thousand-eyed press. All Hartridge does is to repeat vaguely some fabrications, then pretend he spent money to keep this from the knowledge of the district attorney or the newspapers.'"

"Mr. Hartridge's bill for approximately \$70,000 in all, for counsel fees and expenses, and more than half of this, he says—\$40,000, to be exact—was spent as 'hush money.'"

## WHISKEY KILLS THE SEASICK

Two Cases on German Steamer Prove Whiskey Cures Seasickness.

NEW YORK, May 23.—Whiskey administered as a cure for seasickness caused the death of two nine-year-old boys, steerage passengers on the steamer Kaiserin Augusta Victoria, which arrived here yesterday from Hamburg.

The small victims became very sick during the rough weather encountered last Thursday, and their parents gave them the liquor, hoping to ease their nausea. The children grew progressively worse, and although the ship's surgeon was sent for, the younger of the boys, Herman Schmidt, died on the following day.

The other, James Kassibar, lingered until Monday, when he, too, succumbed. Both were buried at sea.

## CONFESSES GUILT ON STAND

County Attorney Accuses Judge of Taking Bribe from "Bootleggers."

SHAWNEE, OKLA., May 23.—Confessing his guilt and implicating others in a charge of grafting in the prosecution of "bootleggers," Judge Virgil Biggers, recently suspended as county attorney, testified here in a bribery case in which William Mahen, district judge, is defendant. Biggers declared that he, Judge Mahen and others met the "bootleggers" in conference, agreed upon terms, and later accepted money brought to them by County Commissioner Robert Heger. Biggers declared that he, Judge Mahen and others received the following charges made by Rev. Mr. Bulgin, an evangelist.

## CASHIERS' PENALTIES AMPLE

No More Indictments to Be Filed Against These Convicts.

PITTSBURGH, PA., May 23.—Upon motion of United States Attorney Jordan, orders were made to-day that the remaining suits against William Montgomery, former cashier of the Allegheny National Bank, and J. B. P. Rinehart, former cashier of the Farmers' and Drivers' National Bank, of Waynesburg.

The defendants are serving terms of fifteen years each in the Western Penitentiary upon other indictments for offenses against the national banking laws.

## WOODWARD & SON,

Ninth & Arch Streets, Richmond, Va. Fourth & Stockton, Manchester, Va.

Lumber, Laths, Shingles, SASH, BLINDS AND DOORS.

Phone us or come to see us. We will be glad to serve you.

**WOMAN'S NATURE**

Is to love children, and no home can be happy without them, yet the ordeal through which the expectant mother must pass usually is so full of suffering and dread that she looks forward to the hour with apprehension. Mother's Friend, by its penetrating and soothing properties, allays nausea, nervousness, unpleasant feelings, and so prepares the system for the ordeal that she passes through the event with but little suffering, as numbers have testified and said, "It is worth its weight in gold."

**MOTHER'S FRIEND**

THE BRADFIELD REGULATOR CO., Atlanta, Ga.